

1 BILL NO. Z-86-01-24  
2

3 ZONING MAP ORDINANCE NO. Z-Lesh

4 AN ORDINANCE amending the City of  
5 Fort Wayne Zoning Map No. N-23.

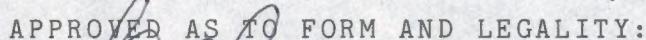
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY  
7 OF FORT WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is  
9 hereby designated a B-3-B (General Business) District under  
10 the terms of Chapter 33 of the Code of the City of Fort  
11 Wayne, Indiana of 1974:

12 Lots 1 and 2 Southside Suburban Place Addition  
13 and the symbols of the City of Fort Wayne Zoning Map No.  
14 N-23, as established by Section 11 of Chapter 33 of the Code  
15 of the City of Fort Wayne, Indiana are hereby changed  
16 accordingly.

17 SECTION 2. That this Ordinance shall be in full  
18 force and effect from and after its passage and approval by  
19 the Mayor.

20   
21 COUNCILMEMBER

22 APPROVED AS TO FORM AND LEGALITY:  
23 

24 BRUCE O. BOXBERGER, CITY ATTORNEY  
25

26  
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Read the first time in full and on motion by Eisbart  
seconded by Stier, and duly adopted, read the second time  
by title and referred to the Committee Legislation (and the Ci  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Way  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock M., E.

DATE: 1-28-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>9</u>			
<u>BRADBURY</u>		<u>✓</u>			
<u>BURNS</u>		<u>✓</u>			
<u>EISBART</u>		<u>✓</u>			
<u>GiaQUINTA</u>		<u>✓</u>			
<u>HENRY</u>		<u>✓</u>			
<u>REDD</u>		<u>✓</u>			
<u>SCHMIDT</u>		<u>✓</u>			
<u>STIER</u>		<u>✓</u>			
<u>TALARICO</u>		<u>✓</u>			

DATE: 2-25-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,

at the hour of \_\_\_\_\_ o'clock M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock M., E.S.T.

WIN MOSES, JR., MAYOR

## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_ B-3-B

THIS IS TO BE FILED IN DUPLICATE

I/We John L. Myers

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B-1-B District to a/an B-3-B District the property described as follows:

Lots 1 &amp; 2 Southside Suburban Place

Recorded as instrument #82-18411

Frontage on Decatur Road: 202.5 Ft.

Frontage on Paulding Road: 401.3 Ft.

181.1 Ft. on east end, 307.0 Ft. on South side

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 5803 Decatur Road, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

John L. Myers

1503 E. Paulding Road. 46816

X

*John L. Myers*

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

John L. Myers

(Name)

1503 E. Paulding Rd. 46816

(Address &amp; Zip Code)

744-0995

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lots 1 & 2 Southside Suburban Place, recorded as instrument #82-18411

Owners of Property

Russell G. Kayser,etal

5803 Decatur Road, 46816

*Russell G. Kayser*

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 28, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-01-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 27, 1986.

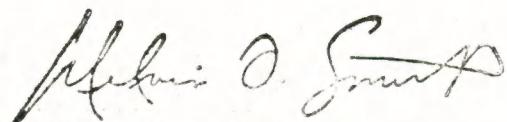
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 3, 1986.

Certified and signed this  
5th day of February 1986.



Melvin O. Smith  
Secretary

Check # 7529

## RECEIPT

COMMUNITY DEVELOPMENT &amp; PLANNING

No 522

FT. WAYNE, IND., 12/16 1985

RECEIVED FROM John L. Myers \$50.00  
THE SUM OF Fifty + 00/100 <sup>100</sup> DOLLARS  
ON ACCOUNT OF Zoning: Lots 1+2  
Southside Sub. Add.  
B. Steele

AUTHORIZED SIGNATURE

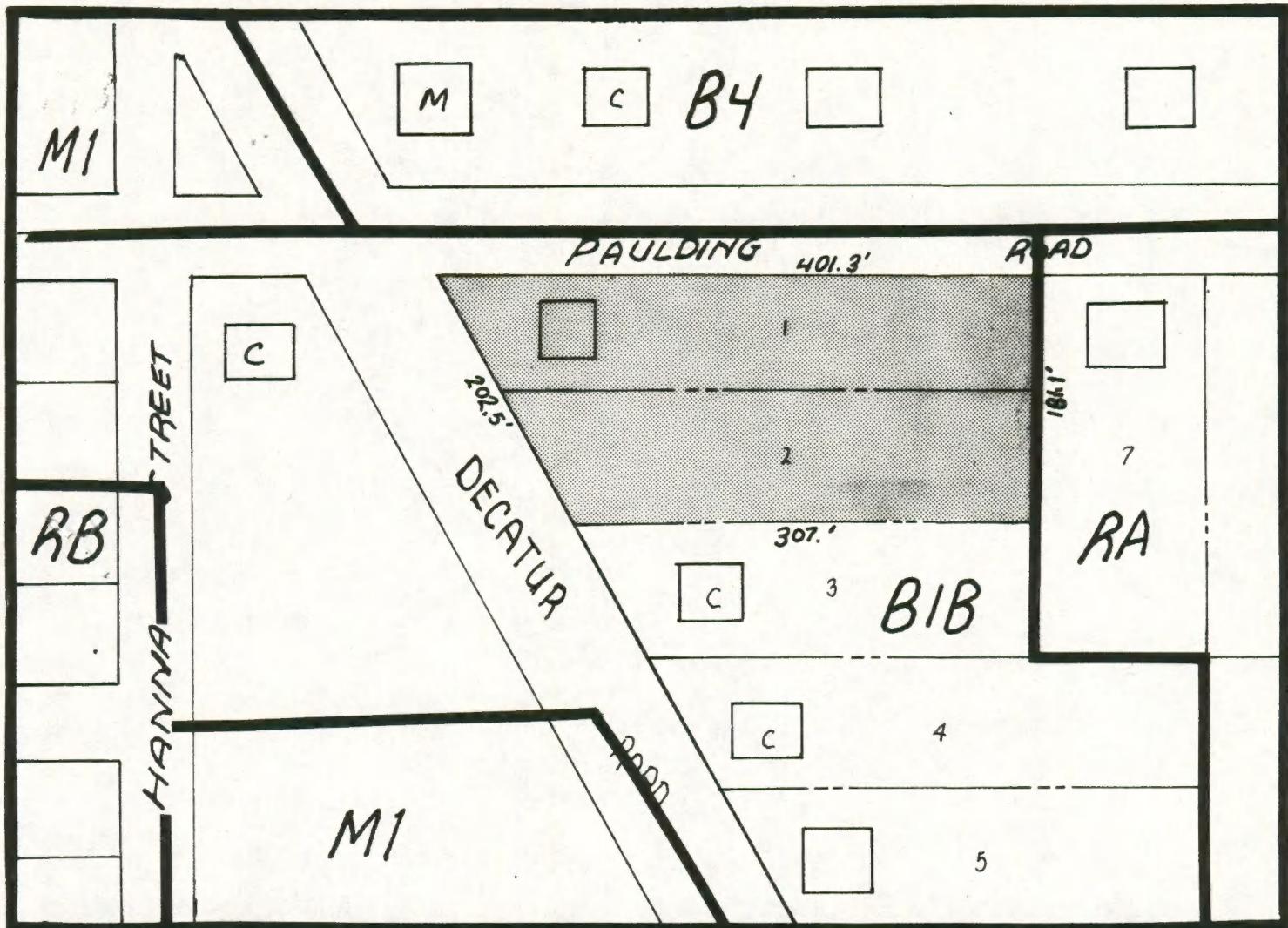
# REZONING PETITION

#177

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B1B DISTRICT TO A B3B DISTRICT.

MAP NO. N-23

COUNCILMANIC DISTRICT NO. 6



### Zoning:

- B1B LIMITED BUSINESS 'B'
- B4 ROADSIDE BUSINESS
- RB RESIDENCE 'B'
- RA RESIDENCE 'A'
- MI LIGHT INDUSTRY

### Land Use:

- SINGLE FAMILY
- MULTI-FAMILY
- COMMERCIAL



Z-86-01-24

Scale: 1"=100'

17

Date: 1-6-86

**FACT SHEET**

Z-86-01-24

**BILL NUMBER****Division of Community  
Development & Planning**

<b>BRIEF TITLE</b>	<b>APPROVAL DEADLINE</b>	<b>REASON</b>	
Zoning Ordinance Amendment			
<b>DETAILS</b>		<b>POSITIONS</b>	<b>RECOMMENDATIONS</b>
Specific Location and/or Address  5803 Decatur Road		Sponsor	City Plan Commission
Reason for Project  Mobile Home Sales Lot		Area Affected	City Wide  Other Areas
Discussion (Including relationship to other Council actions)  <u>27 January 1986 - Public Hearing</u>  John Myers, 1503 E. Paulding Road, petitioner stated that he was requesting the rezoning in order to put a Mobile Home Sales Lots on the property.  Mel Smith questioned what was presently on the property.  Mr. Myers stated there was at one time a beauty salon, but the property was presently vacant.  Russ Kaiser, owner of the property appeared before the Commission. Mr. Kaiser stated he was in favor of the rezoning.  There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.		Applicants/ Proponents	Applicant(s) John L. Myers City Department  Other
		Opponents	Groups or Individuals  Basis of Opposition
		Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against  Reason Against 1) adverse impact in area
		Board or Commission Recommendation	By  <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)		<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

**DETAILS**

3 February 1986 - Business Meeting

Of the eight members present 7 voted in favor of returning the ordinance to the Common Council with a DO NOT PASS recommendation. one did not vote. Motion carried.

**POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>		

(This space for further discussion)

**Project Start**

**Date** December 16, 1986

**Projected Completion or Occupancy**

**Date** 5 February 1986

**Fact Sheet Prepared by**

**Date** 5 February 1986

Patricia Biancaniello

**Reviewed by**

*Suey Becton*

**Date**

2/5/86

**Reference or Case Number**

**ORIGINAL**

Admn. Appr.

COUNCILMANIC DISTRICT No. 6

DIGEST SHEET

**ORIGINAL**

TITLE OF ORDINANCE

Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE

5803 Decatur Road

3-86-01-24

EFFECT OF PASSAGE Property is now zoned B-1-B - Limited Business. Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-86-01-24

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. N-23

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~) Do not Pass

*No Tabulation*  
YES

NO

BEN A. EISBART  
CHAIRMAN

JANET G. BRADBURY  
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 2-25-86

SANDRA E. KENNEDY  
CITY CLERK